

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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RODNEY MOTT,

Plaintiff(s),

v.

THE PNC FINANCIAL SERVICES
GROUP, INC., et al.,

Defendant(s).

Case No. 2:16-CV-1949 JCM (CWH)

ORDER

Presently before the court is plaintiff Rodney Mott's motion for leave to file first amended and supplemental complaint. (ECF No. 18). Defendants Trinity Financial Services, LLC and Trojan Capital Investments, LLC filed a non-opposition in response. (ECF No. 20).

Plaintiff seeks to add factual allegations to his existing claims and add new parties and claims based on events occurring since he filed his original complaint on August 16, 2016. (ECF No. 18).

Federal Rule of Civil Procedure 15(a) provides that leave to amend "shall be freely given when justice so requires." Fed. R. Civ. P. 15(a). The United States Supreme Court has interpreted Rule 15(a) and confirmed the liberal standard district courts must apply when granting such leave.

In *Foman v. Davis*, 371 U.S. 178 (1962), the Supreme Court explained: "[i]n the absence of any apparent or declared reason—such as undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party by virtue of allowance of the amendment, futility of the amendment, etc.—the leave sought should, as the rules require, be 'freely given.'" *Id.* at 182.

1 Further, Local Rule 15-1(a) also requires that a plaintiff submit a proposed, amended
2 complaint along with its motion to amend. LR 15-1(a). Plaintiff included a proposed amended
3 complaint with his motion to amend in compliance with this rule. (ECF No. 18-1).

4 Based on the foregoing, the court finds good cause to grant plaintiff leave to amend his
5 complaint.

6 Accordingly,

7 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that plaintiff Rodney Mott's
8 motion for leave to file first amended and supplemental complaint (ECF No. 18) be, and the same
9 hereby is, GRANTED.

10 IT IS FURTHER ORDERED that plaintiff shall file an amended complaint identical to that
11 attached to his motion to amend (ECF No. 18-1) within seven (7) days of the entry of this order.

12 IT IS FURTHER ORDERED that defendant Trojan Capital Investments, LLC's motion to
13 dismiss (ECF No. 5) be, and the same hereby is, DENIED as moot.

14 IT IS FURTHER ORDERED that defendant Trinity Financial Services, LLC's motion to
15 dismiss (ECF No. 9) be, and the same hereby is, DENIED as moot.

16 IT IS FURTHER ORDERED that plaintiff's motion for partial summary judgment (ECF
17 No. 19) be, and the same hereby is, DENIED as moot.

18 DATED October 20, 2016.

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20 UNITED STATES DISTRICT JUDGE
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